

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GONZALO MOTA-RIVERA,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CIVIL ACTION NO. 3:13-CV-58

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 1st day of February, 2013, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 4) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 4) is **ADOPTED**.
- (2) Plaintiff Gonzalo Mota-Rivera's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2) is **GRANTED**.
- (3) Plaintiff Gonzalo Mota-Rivera's claims against individual Defendants Erika Fenstermaker, Ronnie Holt, Henry Sadowski, and Food Service Administrator Ryan are **DISMISSED with prejudice**.
- (4) Plaintiff Gonazlo Mota-Rivera may **PROCEED** with his action against Defendant United States of America.
- (5) The matter is **RECOMMITTED** to Magistrate Judge Carlson for further proceedings.



A. Richard Caputo
United States District Judge